APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,548	12/27/2001	Katsuhito Kitahara	P6393a	7498

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EXAMINER
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ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/033,548	KITAHARA ET AL.
	Examiner	Art Unit
	Joseph R. Pokrzywa	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _17 July 2006_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-29_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-29_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see page 2, filed 7/17/06, with respect to the rejection(s) of

claim(s) 1-29 under 35 U.S.C.103(a) as being unpatentable over Ferber *et al.* (U.S. Patent

Application Publication 2002/0003162) in view of Goring (U.S. Patent Application Publication

2002/0077892), have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view

of Sansone (U.S. Patent Number 5,890,818).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   **Claims 1-12, and 14-25** are rejected under 35 U.S.C. 102(b) as being anticipated by

Sansone (U.S. Patent Number 5,890,818).

Regarding *claim 1*, Sansone discloses an apparatus for generating logo data to be stored

in and printed by a printer (column 4, line 66-column 6, line 3), the apparatus comprising a

control data receiving unit configured to receive control data including specific settings data and

model identification data identifying a model of at least one target printer in which the logo data

is to be stored (column 5, line 11-column 6, line 56, and column 8, lines 28-64), a source data

obtaining unit configured to obtain source data used to generate the logo data, a reading unit

configured to read, based on the model identification data, model-specific data for the at least

one target printer from respective model-specific data stored for a plurality of printer models

(column 5, line 11-column 6, line 56, and column 8, lines 28-64), and a logo data generating unit

configured to generate the logo data by processing the source data based on the model-specific

data read by the reading unit or on control data received by the control data receiving unit

(column 5, line 11-column 6, line 56, and column 7, lines 31-47), and a storage unit configured

to store the logo data generated by the logo data generating unit (column 6, line 62-column 7,

line 47).

Regarding *claim 2*, Sansone discloses the apparatus described above in claim 1, and

further teaches that the control data is limited to model-specific data that can be identified by the

model identification data (column 5, line 11-column 6, line 56, and column 8, lines 28-64).

Regarding *claim 3*, Sansone discloses the apparatus described above in claim 2, and

further teaches that the control data receiving unit is adapted to disable receipt of at least some

data for which setting is not required based on previously received or set control data (column 5,

line 11-column 6, line 56, and column 8, lines 28-64).

Regarding *claim 4*, Sansone discloses the apparatus described above in claim 3, and

further teaches that at least some control data are initialized to respective specific values that can

be changed based on other control data received from the control data receiving unit (column 5,

line 11-column 6, line 56, and column 8, lines 28-64).

Regarding *claim 5*, Sansone discloses the apparatus described above in claim 4, and

further teaches that the control data receiving unit is adapted to enable specifying colors

available for printing in, or print resolution of, the at least one target printer (column 5, line 11-column 6, line 56, and column 8, lines 28-64).

Regarding *claim 6*, Sansone disclose the apparatus described above in claim 5, and further teaches that the logo data generating unit is adapted to assign source data colors to specific color's printable by the at least one target printer based on the model-specific data and settings data (column 5, line 11-column 6, line 56, and column 8, lines 28-64).

Regarding *claim 7*, Sansone disclose the apparatus described above in claim 6, and further teaches that the stored model-specific data includes communications parameters for each of the plurality of printer models, and the reading unit is adapted to set communications parameters for sending logo data to the at least one target printer based on the model-specific data (column 5, line 11-column 6, line 56, and column 7, line 31-column 8, line 64).

Regarding *claim 8*, Sansone disclose the apparatus described above in claim 7, and further teaches of an output unit configured to output the generated logo data (column 8, line 37-column 9, line 40), the output unit being adapted to output a file containing the logo data, a printer registration command for storing the logo data in the at least one target printer, and a data transmission command for sending the printer registration command and logo data to the at least one target printer (column 5, line 11-column 6, line 56, and column 7, line 31-column 8, line 64).

Regarding *claim 9*, Sansone disclose the apparatus described above in claim 7, and further teaches of an output unit configured to output the generated logo data (column 8, line 37-column 9, line 40), the output unit being adapted to send the logo data and a command that causes the at least one target printer to store the logo data therein (column 8, line 37-column 9, line 40).

Regarding *claim 10*, Sansone disclose the apparatus described above in claim 1, and

further teaches that the control data receiving unit has a graphical user interface input function

(column 5, line 11-column 8, line 64, being inherent in the computer 42).

Regarding *claim 11*, Sansone discloses the apparatus described above in claim 10, and

further teaches that the control data receiving unit does not display input items for which setting

is not required based on received or set control data (column 6, line 26-column 7, line 30).

Regarding *claim 12*, Sansone discloses the apparatus described above in claim 11, and

further teaches of a display adapted to display an image based on the source data and an image

based on data after processing by the logo data generating unit (column 6, line 26-column 7, line

30).

Regarding *claim 14*, Sansone discloses a method for generating logo data to be stored in

and printed by a printer (column 4, line 66-column 6, line 3), the method comprising steps of (a)

obtaining source data (column 5, line 11-column 6, line 56, and column 8, lines 28-64), (b)

receiving control data including specific settings data for generating the logo data and model

identification data identifying a model of at least one target printer in which the logo data is to be

stored (column 5, line 11-column 6, line 56, and column 8, lines 28-64), (c) reading, based on the

model identification data, model-specific data for the at least one target printer from respective

model-specific data stored for a plurality of printer models (column 5, line 11-column 6, line 56,

and column 8, lines 28-64), (d) generating logo data by processing the source data obtained in

step (a) based on the model-specific data read in step (c) or on control data received in step (b)

(column 5, line 11-column 6, line 56, and column 7, lines 31-47), and (e) storing the generated

logo (column 6, line 62-column 7, line 47).

Regarding *claim 15*, Sansone discloses the method described above in claim 14, and further teaches that step (d) comprises assigning source data colors to specific colors printable by the at least one target printer based on the model-specific data and settings data received in step (b) (column 5, line 11-column 6, line 56, and column 8, lines 28-64).

Regarding *claim 16*, Sansone discloses the method described above in claim 15, and further teaches that the step (d) comprises converting the size of the image represented by the source data and the resolution of that image to a paper width and print resolution, respectively, usable by the at least one target printer as specified in the model-specific data (column 5, line 11-column 8, lines 28-64).

Regarding *claim 17*, Sansone discloses the method described above in claim 14, and further teaches that step (b) comprises receiving control data via a graphical user interface (column 5, line 11-column 8, line 64, being inherent in the computer 42).

Regarding *claim 18*, Sansone discloses the method described above in claim 17, and further teaches that the step of (f) outputting the generated logo data as an executable file containing the data and a data transmission program for sending the logo data and a logo command causing the at least one target printer to store the logo data therein (column 8, line 37-column 9, line 40).

Regarding *claim 19*, Sansone discloses the method described above in claim 17, and further teaches of the step of (g) sending the logo data and a command causing the at least one target printer to directly store the logo data therein (column 8, line 37-column 9, line 40).

Regarding *claim 20*, Sansone discloses a data storage medium embodying a program of instructions for directing the execution of a method for generating logo data to be stored in and

printed by a printer (column 4, line 66-column 6, line 3), the program of instructions comprising

(a) instructions for obtaining source data (column 5, line 11-column 6, line 56, and column 8,

lines 28-64), (b) instructions for receiving control data including specific settings data for

generating the logo data and model identification data identifying a model of at least one target

printer in which the logo data is to be stored (column 5, line 11-column 6, line 56, and column 8,

lines 28-64), (c) instructions for reading, based on the model identification data, model-specific

data for the at least one target printer from respective model-specific data stored for a plurality of

printer models (column 5, line 11-column 6, line 56, and column 8, lines 28-64), (d) instructions

for generating logo data by processing the source data obtained in step (a) based on the model-

specific data read in step (c) or on control data received in step (b) (column 5, line 11-column 6,

line 56, and column 7, lines 31-47), and (e) instructions for storing the generated logo (column 6,

line 62-column 7, line 47).

Regarding *claim 21*, Sansone discloses the medium described above in claim 20, and

further teaches that (d) comprises instructions for assigning source data colors to specific colors

printable by the at least one target printer based on the model-specific data and settings data

received in (b) (column 5, line 11-column 6, line 56, and column 8, lines 28-64).

Regarding *claim 22*, Sansone discloses the medium described above in claim 21, and

further teaches that (d) comprises instructions for converting the size of the image represented by

the source data and the resolution of that image to a paper width and print resolution,

respectively, usable by the at least one target printer as specified by the model-specific data

(column 5, line 11-column 8, line 64).

Regarding *claim 23*, Sansone discloses the medium described above in claim 20, and

further teaches that (b) comprises instructions for receiving control data via a graphical user

interface (column 5, line 11-column 8, line 64, being inherent in the computer 42).

Regarding *claim 24*, Sansone discloses the medium described above in claim 23, and

further teaches of (f) instructions for outputting the generated logo data as an executable file

containing the logo data and a data transmission program for sending the logo data and a

command causing the at least one target printer to store the logo data therein (column 5, line 11-

column 6, line 56, and column 8, line 28-column 9, line 40).

Regarding *claim 25*, Sansone discloses the medium described above in claim 23, and

further teaches of (g) instructions for sending the logo data and a command causing the at least

one target printer to directly store the logo data therein (column 5, line 11-column 6, line 56, and

column 8, line 28-column 9, line 40).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   **Claims 13 and 26-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sansone (U.S. Patent Number 5,890,818) in view of Goring (U.S. Patent Application Publication

2002/0077892, cited in the Office action dated 5/30/06).

Regarding *claim 13*, Sansone discloses the apparatus described above in claim 12, but

fails to expressly disclose that the display is adapted to display the images aligned for

comparison on one side of the display.

Goring discloses an apparatus for generating logo data to be stored in and printed by a

printer (see abstract), the apparatus comprising a control data receiving unit configured to receive

control data including *specific settings data* identifying a model of at least one target printer in

which the logo data is to be stored (paragraphs 0015-0020), a source data obtaining unit

configured to obtain source data used to generate the logo data, a reading unit configured to read,

based on *the settings*, model-specific data for the at least one target printer from respective

model-specific data stored for a plurality of printer models (paragraphs 0013-0018), a logo data

generating unit configured to generate the logo data by processing the source data based on the

model-specific data read by the reading unit or on control data received by the control data

receiving unit (paragraphs 0018-0020), and a storage unit configured to store the logo data

generated by the logo data generating unit (paragraphs 0018-0020, and 0024-0025). Further,

Goring teaches that the display is adapted to display the images aligned for comparison on one

side of the display (paragraphs 0018-0023).

Sansone & Goring are combinable because they are from the same field of endeavor,

being systems that generate advertising data on a printer. At the time of the invention, it would

have been obvious to a person of ordinary skill in the art to display the images aligned for

comparison on one side of the display, as taught by Goring, within the system of Sansone. The

suggestion/motivation for doing so would have been that Sansone's system would become more

user-friendly with the addition of Goring's teachings, as various graphic placement settings

would be customizable, thereby increasing the advertising impact, as recognized by Goring in paragraphs 0014-0018. Therefore, it would have been obvious to combine the teachings of Goring with system of Sansone to obtain the invention as specified in claim 13.

Regarding *claim 26*, Sansone discloses a logo data generating system (column 4, line 66-column 6, line 3), comprising memory for storing a printer model name and a predetermined number of printable colors, and print resolution of the printer model (column 5, line 11-column 6, line 56, and column 8, lines 28-64), a reading unit for reading source data to obtain image data provided for printing as logo data (column 5, line 11-column 6, line 56, and column 7, lines 31-47), a display unit for reading and displaying data stored in memory (column 6, line 26-column 7, line 30), a selection unit for selecting a target printer for printing out the logo data from among the printer model names displayed on the display unit (column 5, line 11-column 6, line 56, and column 8, lines 28-64), and a logo data generating unit for processing the source data to create logo data for printing based on the model name of the target printer selected by the selection unit and the number of printable colors, and print resolution of the selected target (column 5, line 11-column 6, line 56, and column 7, lines 31-47).

However, Sansone fails to expressly disclose of a display unit for reading and displaying the printer model name, number of printable colors, and print resolution stored in memory.

Goring discloses a logo data generating system (see abstract), comprising memory for storing a predetermined number of printable colors, and print resolution of the printer (paragraphs 0015-0018), a reading unit for reading source data to obtain image data provided for printing as logo data (paragraphs 0013-0018), a display unit for reading and displaying the printer model name, number of printable colors, and print resolution stored in memory

(paragraphs 0013-0019), a selection unit for selecting a target printer for printing out the logo

data from among the printer model names displayed on the display unit (paragraphs 0013-0020),

and a logo data generating unit for processing the source data to create logo data for printing

based on the model name of the target printer selected by the selection unit and the number of

printable colors, and print resolution of the selected target (paragraphs 0013-0020).

Sansone & Goring are combinable because they are from the same field of endeavor,

being systems that generate advertising data on a printer. At the time of the invention, it would

have been obvious to a person of ordinary skill in the art to store the advertising data as taught by

Goring within the system of Sansone. The suggestion/motivation for doing so would have been

that Sansone's system would become more user-friendly with the addition of Goring's teachings,

as various attributes would be customizable, thereby increasing the advertising impact, as

recognized by Goring in paragraph 0014. Therefore, it would have been obvious to combine the

teachings of Goring with system of Sansone to obtain the invention as specified in claim 26.

Regarding *claim 27*, Sansone and Goring disclose the system described above in claim

26, and Sansone further teaches of a data transmission unit for sending the logo data generated

by the logo data generating unit to the target printer (column 5, line 11-column 6, line 56, and

column 8, lines 28-64).

Regarding *claim 28*, Sansone and Goring disclose the system described above in claim

26, and Goring further teaches of a second memory for storing the logo data generated by the

logo data generating unit (paragraphs 0018-0020, and 0024-0025).

Sansone & Goring are combinable because they are from the same field of endeavor,

being systems that generate advertising data on a printer. At the time of the invention, it would

have been obvious to a person of ordinary skill in the art to store the advertising data as taught by Goring within the system of Sansone. The suggestion/motivation for doing so would have been that Sansone's system would become more efficient with the addition of Goring's teachings, as the terminal would not need to download a further copy of a logo on subsequent printing requests, as recognized by Goring in 0008-0012. Therefore, it would have been obvious to combine the teachings of Goring with system of Sansone to obtain the invention as specified in claim 27.

Regarding *claim 29*, Sansone and Goring disclose the system described above in claim 26, and Goring further teaches that the memory stores paper width attributes of the printer model, the display unit displays the stored paper width attributes, and the logo data generating unit processes the source data to create logo data for printing also based on the paper width attributes of the selected target printer (paragraphs 0018-0020, and 0024-0025).

Sansone & Goring are combinable because they are from the same field of endeavor, being systems that generate advertising data on a printer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to store the advertising data as taught by Goring within the system of Sansone. The suggestion/motivation for doing so would have been that Sansone's system would become more efficient with the addition of Goring's teachings, as the terminal would not need to download a further copy of a logo on subsequent printing requests, as recognized by Goring in 0008-0012. Therefore, it would have been obvious to combine the teachings of Goring with system of Sansone to obtain the invention as specified in claim 29.

Citation of Pertinent Prior Art

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

Gulati (U.S. Patent Number 6,525,835) discloses a system for label generation.
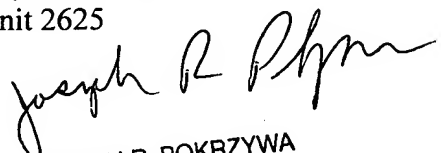
Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The

examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JOSEPH R. POKRZYWA
PRIMARY EXAMINER